

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

NICK EPPERT,)	
)	
Plaintiff)	
)	
vs.)	No. 3:07-CV-221 AS
)	
LARRY SWANK,)	
)	
Defendant)	

ORDER

No objections have been filed to Magistrate Judge Nuechterlein's findings and recommendations issued on January 24, 2008 [Doc. No. 34] stating that plaintiff Nick Eppert's motion to remand should be denied as moot [Doc. No. 18], and that the entire case should be dismissed because Mr. Eppert's sole defamation claim does not survive Mr. Eppert's unfortunate death. *See*, Ind. Code 34-9-3-1. The parties agree, and this court finds, that because Mr. Eppert is deceased, the motion to remand as well as the entire case are moot.

As such, the court now ADOPTS the magistrate judge's findings and recommendations, and FINDS that the motion to remand is DENIED AS MOOT [Doc. No. 18] and the case is DISMISSED. The Clerk shall treat this case as TERMINATED.

SO ORDERED.

ENTERED: February 14, 2008

/s/ Robert L. Miller, Jr.
Chief Judge
United States District Court